

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Facilitating the Deployment of Text-to-911 and
Other Next Generation 911 Applications

Framework for Next Generation 911
Deployment

PS Docket No. 11-153

PS Docket No. 10-255

**COMMENTS OF AT&T
IN SUPPORT OF CTIA PETITION**

On June 28, 2013, CTIA-The Wireless Association (CTIA) filed its “Petition for Reconsideration, or in the Alternative, Petition for Clarification” (Petition) of the Commission’s May 17, 2013, Bounce-Back Order in this docket.¹ In response to that filing, the Association of Public-Safety Communications Officials-International, Inc. (APCO) filed in opposition,² and the Blooston Rural Carriers (BRC) filed in partial support.³ In response to the APCO Opposition, AT&T Services, Inc., on behalf of its affiliates, (AT&T) now files these comments in support of the Petition.

I. DISCUSSION

In its Petition, the CTIA asks the Commission to eliminate the obligations imposed by paragraph 72 of the Bounce-Back Order and Commission Rule 20.18(n)(7) or, in the alternative, to amend Commission Rule 20.18(n)(3)(b)(ii) to include a clarifying phrase allowing CMRS providers to send a bounce-back message when a “consumer is roaming on the network of

¹ See *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment, Report and Order*, 28 FCC Rcd 7556 (2013) (Bounce-Back Order).

² Opposition of APCO International to Petition for Reconsideration, PS Docket Nos. 11-153, 10-255 (filed Aug. 15, 2013) (APCO Opposition).

³ Comments in Partial Support of CTIA Petition, PS Docket Nos. 11-153, 10-255 (filed Aug. 15, 2013) (BRC Comments).

another CMRS provider.”⁴ APCO has filed in opposition to this relief questioning both the CTIA’s arguments based on “technical feasibility” and its argument based on administrative law. For its part, AT&T supports clarifying that, while covered text providers must send a bounce-back message alerting end users that text-to-911 is unavailable, it is the Home Carrier (and not the Host Carrier) that is responsible for sending that bounce-back message when the end user is texting while roaming on another carrier’s network.⁵

A. The Agreement

On December 6, 2012, four CMRS providers—AT&T, Sprint-Nextel, T-Mobile, and Verizon—entered into a commitment with the National Emergency Number Association (NENA) and APCO to offer text-to-911 service beginning May 15, 2014.⁶ The Agreement was entered into in part to provide “near-term opportunities to meet emergency communications needs of wireless subscribers who (currently) rely on SMS [texting] for everyday communications and individuals who are deaf, hard of hearing or speech impaired.”⁷ The idea was to use the carriers’ existing SMS texting service on an interim basis “to meet the near term objective of providing a text-based emergency communications [sic] until the comprehensive NG9-1-1 system (*e.g.*, ESINet) is developed, deployed and adopted by the wireless industry, public safety and public.”⁸ SMS texting is a store-and-forward, best-efforts messaging service

⁴ Petition at 2.

⁵ As used in this filing, the “Host Carrier” is the carrier on whose network another carrier’s subscriber is roaming, as intended in 47 C.F.R. § 20.3. That subscriber’s carrier is referred to as the “Home Carrier.”

⁶ Letter from Terry Hall, APCO International, Barbara Jaeger, NENA, Charles W. McKee, Sprint Nextel, Robert W. Quinn, Jr, AT&T, Kathleen O’Brien Ham, T-Mobile USA, and Kathleen Grillo, Verizon, to Julius Genachowski, Chairman, Federal Communications Commission, and Commissioners McDowell, Clyburn, Rosenworcel and Pai; PS Docket 11-153, PS Docket No. 10-255 (Dec. 6, 2012). (Carrier-NENA-APCO Agreement or Agreement). *See* “Appendix C” to the Text-to -911 Further Notice: *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment, Further Notice of Proposed Rulemaking*, 27 FCC Rcd 15659 (2012) (*Text-to-911 Further Notice*).

⁷ The Agreement at 1.

⁸ *Id.* at 2.

that was “designed as a secondary service to use *signaling channels and other resources when they were not used for voice calls*”⁹ but was not designed “to provide any time-sensitive, mission-critical service” (e.g., emergency communications to PSAPs).¹⁰

Because of these limitations of the SMS texting service, the wireless industry originally counseled against enlisting it for use in emergency communications and advised waiting until a comprehensive NG911 texting service could be built to mission-critical standards (e.g., Real Time Text). Yet, even as the industry acquiesced to provide an interim text-to-911 service pursuant to the Agreement, these same concerns regarding the suitability of SMS texting for critical, emergency communications remained. Accordingly, the Agreement was specifically written by the industry to set forth the ground rules under which a text-to-911 service would be provided so as to minimize the concerns inherent to SMS service. The Agreement expressly states that the “SMS-to-9-1-1 solution [would] be limited to the capabilities of the existing SMS service offered by a participating wireless service provider on the home wireless network” and would “not be available to wireless subscribers roaming outside of their home wireless network.”¹¹ What’s more, the Agreement made it clear that any text-based emergency communications service would only be offered “in accordance with the Alliance for Telecommunications Industry Solutions (“ATIS”) industry standard solution.”¹² The Agreement also included a promise to “implement a bounce-back (auto-reply) message to alert subscribers attempting to text an emergency message to instead dial 9-1-1 when Text-to-9-1-1 is unavailable in that area.”¹³

⁹ TEXTING TO 911: Examining the Design and Limitations of SMS, 4G Americas, p. 10 (Oct. 2010). (*Texting to 911 Report*).

¹⁰ The Agreement at 1.

¹¹ *Id.* at 3.

¹² *Id.* at 1.

¹³ *Id.* at 2.

B. The Notice and Order

Shortly after the Agreement was inked, the Commission released its *Text-to-911 Further Notice*. This notice, which was divided into two sections (one for addressing the short-term issues of the bounce-back messaging and education; another for discussing the framework and timeline for possible implementation of next generation text-to-911 generally), made it clear that the Commission was concerned that, in spite of efforts to educate the public as to the availability and limitations of text-to-911, consumers would be confused and might send an emergency text in situations where text-to-911 was unavailable. The idea behind the bounce-back message was to provide a mechanism to alert the end user that, for whatever reason (*e.g.*, carrier does not provide text-to-911 service, the PSAP is not text-to-911 capable, *etc.*), his or her 911 text message did not reach a PSAP and to advise him or her to use an alternative method of reaching emergency services.¹⁴ The urgency to implement a bounce-back alert was based on the perception that the public believed that text-to-911 was already available—a belief augmented by the then recent news stories of the voluntary commitment entered into by the four largest CMRS providers to provide that service—and was acting on that belief. Consequently, when Commission released the Bounce-Back Order, it imposed a bounce-back message obligation on *all covered text providers*¹⁵ regardless of whether they are obligated by the Agreement or otherwise to provide text-to-911:

In light of these trends, automatic message feedback where text-to-911 is not available may be life-saving, allowing a person in need of assistance to immediately seek out an alternative means of communicating with emergency

¹⁴ *Text-to-911 Further Notice*, para. 21 (“The Commission observed that this ‘could put consumers at risk if they were unaware that an emergency text did not go through or were uninformed about alternative means of reaching the PSAP.’ To mitigate this risk, the Commission proposed that in situations where a consumer attempts to text 911 in a location where text-to-911 is not available, the consumer should receive an automatic error message or similar disclosure that includes information on how to contact the PSAP.”).

¹⁵ A covered text provider includes “all CMRS providers as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or otherwise installed on mobile phones.” 47 C.F.R. § 20.18(n)(1).

services providers. Moreover, while voluntary steps by individual text providers to implement bounce-back capability are important, *there is a risk of further consumer confusion if all covered text providers do not implement this capability. In particular, during the transition period, the availability of text-to-911 will not be uniform but will vary both by service provider and by area*, and the extent of availability will change over time as the transition progresses. *Consumers may therefore be unaware which service providers support text-to-911 capabilities and which do not*, and they may be confused about the availability of text-to-911 in their geographic area.¹⁶

C. The Dispute

Both CTIA and APCO dedicate a great deal of space in their respective filings to the question of whether providing text-to-911 is technically feasible when a subscriber is roaming on another carrier's network. In our view, while the question of technical feasibility is critical to whether the bounce-back rule ought to be clarified, it is not yet critical to the question of whether a Host Carrier can provide text-to-911 service generally to the subscribers of the Home Carrier.¹⁷ This is so because, as of today, there is no obligation to provide text-to-911 outside of the voluntary Agreement entered into by and between the four major CMRS providers, on the one hand, and NENA/APCO, on the other, and, in that Agreement, the voluntary commitment to provide text-to-911 is clear that the text-to-911 solution covered by that Agreement will only be offered "on the home wireless network to which a wireless subscriber originates an SMS message" and "will not be available to wireless subscribers roaming outside of their home

¹⁶ *Bounce-Back Order*, para. 16 (emphasis supplied).

¹⁷ We concur with the CTIA's assertions (1) that the Commission's Emergency Access Advisory Committee (EAAC) has advised the Commission that the technical feasibility of a roaming carrier's providing text-to-911 has not been determined (Petition at 3); (2) that the "Joint ATIS/TIA Native SMS to 9-1-1 Requirements and Architecture Specification" standard (ATIS/TIA J-STD-110, March 2013) declined to address roaming, other than to note that "US subscribers roaming between US wireless operator networks ... will receive an SMS response message indicating that they need to place a voice call to 9-1-1" (Petition at 3-4); and (3) that "[c]urrent network architectures do not permit serving carriers [a/k/a Host Carriers] to provide wireless subscribers of other carriers roaming on the serving carriers' networks with an automatic bounce-back message" (Petition at 4).

wireless network.”¹⁸ Consequently, the issue of the technical feasibility of implementing text-to-911 for subscribers on roaming networks is not yet ripe for resolution.¹⁹

In our post-Bounce-Back Order discussions with the Public Safety and Homeland Security Bureau (Bureau), AT&T has made it clear that it believes the bounce-back message rule should be clarified.²⁰ As written, the question of which covered text provider has the obligation to provide a bounce-back message when a subscriber is roaming is at best ambiguous. In our view, the Home Carrier (and not the Host Carrier) should have the express obligation to provide a bounce-back message when the Home Carrier’s subscriber is roaming on another provider’s network, because, among other things, the present architecture of SMS texting will not allow the Host Carrier to perform this function and, under the terms of the Agreement, the text-to-911 solution that will be made available starting May 2014 will be “limited to the capabilities of the existing SMS service.”²¹

Any arguments that it is technically feasible to retrofit the SMS texting service to allow the Host Carrier to perform this service would be moot because the Agreement does not require the carriers covered by the Agreement to retrofit their service.²² What’s more, given the fact that the industry is moving in the direction of IP-based communications it would be a waste of resources for carriers to retrofit a service that will be in all likelihood replaced in the not too distant future with a different texting service that can be designed to meet the needs of emergency communications. The carriers covered by the Agreement—as well as any other providers that may be obligated in the future to use SMS texting for emergency

¹⁸ The Agreement at 3.

¹⁹ It may well be that with the advent of NG911 these issues will be settled. Under the interim SMS text-to-911 solution, which is not a NG911 solution, however, the question of roaming is settled under the terms of the Agreement.

²⁰ See Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Jamie M. (Mike) Tan, Director – Federal Regulatory, AT&T Services, Inc., PS Docket Nos. 111-153, 10-255 (filed June 11, 2013).

²¹ The Agreement at 3.

²² AT&T is not conceding that it is technically feasible to do so, only that the question is rendered moot by the terms of the Agreement.

communications—should not be obligated to spend time and money to retool SMS texting services that will only be replaced by a next generation texting service that can address the many shortcomings of the existing service.

Given the obvious importance of providing a bounce-back message, however, we believe that subscribers roaming on another carrier's network should be provided with an alert that any text to 911 is undeliverable and that they should use alternative methods of reaching emergency services. We just believe that the message should be provided by the Home Carrier and not the Host Carrier. To that end, we propose that the Commission rewrite Commission Rule 20.18(n)(7) to read as follows:

(7) Roaming: A CMRS provider subject to § 20.12 shall provide an automatic bounce-back message to its subscribers roaming on another CMRS provider's network when its subscribers attempt to send a text message to 911. A Host Carrier is not obligated to provide a bounce-back message to the subscriber of another carrier roaming on the Host Carrier's network.

By making this change, the Commission preserves the original intent of providing the bounce-back message and places the burden of doing so on the only party technically capable of doing so—the Home Carrier.

II. CONCLUSION

AT&T respectfully requests that the Commission consider these comments in its deliberations on this matter.

AT&T

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